



General Assembly

Amendment

February Session, 2008

LCO No. **6042**

SB0052406042SD0

Offered by:

SEN. MCDONALD, 27th Dist.

SEN. COLAPIETRO, 31st Dist.

To: Senate Bill No. **524**

File No. 137

Cal. No. 119

**"AN ACT CONCERNING CONSUMER SAFETY AND PRODUCT
RECALLS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2008*) (a) As used in this
4 section:

5 (1) "Retail property" means any new article, product, commodity,
6 item or component intended to be sold in retail commerce;

7 (2) "Value" means the retail value of an item as advertised by the
8 affected retail establishment, to include applicable taxes; and

9 (3) "Retail property fence" means a person or business that buys
10 retail property knowing that the property is stolen.

11 (b) Any person who, with the intent of monetary gain, in
12 conjunction with another person and within a one-hundred-eighty-day

13 period, takes possession of, carries away, transfers or causes retail
14 property having a value exceeding one thousand dollars to be carried
15 away or takes or causes such property having a value exceeding one
16 thousand dollars to be moved to or placed in the control of a retail
17 property fence shall have committed the offense of organized retail
18 theft.

19 (c) Any person who receives, possesses, conceals, stores, barter,
20 sells or disposes of any retail property acquired in violation of
21 subsection (b) of this section, with the intent to distribute the proceeds
22 or otherwise promote, manage, carry on or facilitate a violation of said
23 subsection, shall have committed the offense of accessory to organized
24 retail theft.

25 (d) It shall not be a defense to a charge of accessory to organized
26 retail theft in violation of subsection (c) of this section that the retail
27 property was obtained by means other than through a violation of said
28 subsection if the property was explicitly represented to the person
29 charged under said subsection (c) as being obtained through the
30 commission of organized retail theft.

31 (e) Any person who violates subsection (b) of this section shall be
32 guilty of a class D felony, except that, if such person derives a financial
33 benefit of five thousand dollars or more as a result of such violation,
34 such person shall be guilty of a class C felony.

35 (f) Any person who violates subsection (c) of this section shall be
36 guilty of a class D felony, except that, if such person derives a financial
37 benefit of five thousand dollars or more as a result of such violation,
38 such person shall be guilty of a class C felony."